

March 12, 1976

present or future financial conditions, it would simply say or which pertain to his or her present or future conditions in any way. As I say, I can't see that his amendment is accomplishing what he says. Neither could the other counsel that are fairly knowledgeable in this area that have looked at it.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature. I fail to see where changing the position of the wording is going to affect the meaning or the intent of the bill. I know that Senator Fowler is deeply concerned about the rights of the consumer and justifiably so, we all are. I believe that the bill as amended by the language as suggested by Senator DeCamp does consider this. It addresses the problems correctly and forth rightly and I believe that we need to remember again that the consumer whom we refer to consistantly here this morning as a victim and whom we refered to yesterday is the victim. That consumer is a very small minority. An important minority, agreed, but also we must remember that there are many other consumers that are being victimized of hundreds of thousands if not millions of dollars by virtue of increased health care cost. I suggest that we should remember that consumer also when we try to solve the problems that we address here today. I would ask you to reject the Fowler amendment and I would perhaps take another look at the suggestion that Senator DeCamp has offered but I would hope that you would reject the Fowler amendment.

PRESIDENT: Senator R. Lewis.

SENATOR R. LEWIS: Mr. President, members of the Legislature. I would endorse Senator Fowler's amendment and I would like to ask Senator Schmit a question if he might yield. Senator Schmit, don't you agree that the problems and the short comings in the amendment that Senator Fowler outlined do truly exist?

SENATOR SCHMIT: Obviously I do not Senator Lewis or I would have agreed to the amendment.

SENATOR R. LEWIS: Would you agree then that attorneys that Senator DeCamp is consulting with do not make court decisions but rather judges and juries make court decisions.

SENATOR SCHMIT: Of course that is true Senator Lewis, and that is what we are doing here this morning. We are attempting to enact laws and we are not attorneys either.

SENATOR R. LEWIS: Well I have had a concern about this area in the committee itself when we worked day after day trying to amend this into what we thought was a satisfactory manner. I have always been concerned about this being limited to economic loss for the very reasons that Senator Fowler outlined. I think that you are doing a grave injustice to any victim of a malpractice, if we go along with your version as outlined by Senator DeCamp. I would certainly